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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, LP.,

No. C 07-3741 VRW

Plaintiff,

ORDER OF DISMISSAL

v.

DONALD K EMERY,

Defendant.

Having advised the court that the parties have agreed to a settlement of this case;
IT IS HEREBY ORDERED that this cause of action be dismissed with prejudice, provided,
however, that if any party hereto shall certify to this court, within ninety days, with proof of service
of a copy thereof, that the agreed consideration for said settlement has not been delivered over, the
foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be
set for trial.

Dated: March 31, 2009


VAUGHN R WALKER
UNITED STATES DISTRICT CHIEF JUDGE